

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JUDEMARIO JOSAPHAT, JR.,

Defendant

CRIMINAL No. 21-cr-10044-DJC-JCB

**OPPOSITION TO DEFENDANT'S MOTION REQUESTING SUPERVISED RELEASE
AND RECONSIDERATION OF REVOKATION OF SUPERVISED RELEASE**

Defendant has asked the Court to reconsider its decision to revoke Defendant's supervised release. ECF No. 72 (requesting reconsideration of ECF Nos. 56, 59). The government opposes Defendant's request for two reasons.

First, Defendant fails to raise material issues that were not previously considered by the Court when the Court revoked Defendant's supervised release. Defendant does not contest that he violated his conditions of release by committing at least one new offense while on supervised release (*i.e.*, the state drug offense). Defendant also does not raise any issues with respect to Covid that were not known and/or foreseeable by the Court when his supervised release was revoked. Defendant may already be vaccinated and, if he is not, Defendant has had the opportunity to vaccinated.

Second, and perhaps more importantly, releasing Defendant under the supervision of U.S. Probation at this point in the case would, from a practical standpoint, unnecessarily waste resources. Defendant has made clear that he intends to plead guilty to a two-count Indictment and has requested a Rule 11 change-of-plea hearing. ECF No. 73. That change of plea hearing

is scheduled for November 10, 2021. ECF No. 75. Defendant is facing a multiple-year period of confinement, including a two-year mandatory minimum period of confinement under Count II of the Indictment, which charges a violation of 18 U.S.C. § 1028A. Defendant will therefore be subject to a period of confinement in the immediate future that will be longer than his current period of pretrial confinement. Under these circumstances, and particularly given that he has already violated his conditions of release, the government opposes Defendant's request.

Respectfully submitted,

NATHANIEL R. MENDELL
Acting United States Attorney

By: /s/ Christopher J. Markham
Christopher J. Markham
Assistant United States Attorney
One Courthouse Way, Boston, MA 02210
(617) 748-3236
christopher.markham2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Christopher J. Markham
Christopher J. Markham
Assistant United States Attorney

Date: October 17, 2021